

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

BOARD MEETING

Tuesday, December 13, 1977

10:00 o'clock a.m.

DONALD F. WILLE,
Vice-Chairman,
Presiding

Wildlife and Fisheries
Building, Room 102
400 Royal Street
New Orleans, Louisiana

Kathryn G. Chamberlin,
Reporter.



Helen R. Dietrich, Inc.
Stenotypists

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P R O C E E D I N G S

. . . Pursuant to notice, the regular monthly meeting of the Board of Louisiana Wildlife and Fisheries Commission convened on Tuesday, December 13, 1977, commencing at 10:00 o'clock a.m., at the Wildlife and Fisheries Building, Room 102, 400 Royal Street, New Orleans, Louisiana 70130, Donald F. Wille, Vice-Chairman, presiding.

PRESENT WERE:

DONALD F. WILLE, Vice Chairman

MARC DUPUY, JR., Member

J. C. GILBERT, Member

HARVEY CLAY LUTTRELL, Member

J. BURTON ANGELLE, Secretary.

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A G E N D A

1. Approval of minutes of November 15, 1977. (4)

DR. LYLE ST. AMANT

2. Request for renewal of permit expiring (5)

December 18, 1977 to remove fill material from the Mississippi River in the vicinity of CS 1941+00 to CS 1840+00 in



Plaquemines Parish by Atlas Construction Company, Inc.

3. Request for renewal of permit expiring (6)
December 18, 1977 to remove fill material from the Mississippi River left descending bank between Mile 134.3 AHP and Mile 136.0 AHP, St. John the Baptist Parish, by Atlas Construction Co., Inc.
4. Request for renewal of permit expiring (8)
December 18, 1977, to remove sand, gravel and fill material from the Mississippi River at Mile 148.5 AHP, left descending bank, near Lutchet, at Paulina, St. James Parish, Louisiana, by Atlas Construction Co., Inc.
5. Request for renewal of permit expiring (9)
December 22, 1977 to remove sand, gravel and fill material from the Mississippi River right descending bank, near Boothville, Louisiana, for use in the construction of Fort Jackson to Venice Highway by T. L. James & Company, Inc.

MR. HARRY SCHAFFER



6. Set closing date for oyster season.

(10)

OTHER BUSINESS

7. Date for January meeting.

(52)

NOTE: The following items not on the printed agenda were also considered:

Notice that discussion re increase in rental on private bedding grounds and possible increase in application fee will take place at the January, 1978, meeting.

(44)

Request for check of site of proposed construction, Hackberry-Bay duChene area.

(49)

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VICE-CHAIRMAN DONALD F. WILLE: Good morning. We will call the meeting to order. I am Don Wille and I will be Chairman today; I am Vice Chairman of the Commission. To my left is Mr. Marc Dupuy and Mr. Clay Luttrell, and Senator Sonny Gilbert down here on my right.

The first thing we have on the agenda this morning is the approval of the minutes of November 15, 1977. Do I have a motion?

MR. DUPUY: I so move.

MR. LUTTRELL: Second.

THE CHAIRMAN: All in favor say aye.



IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

So ordered.

All right, Dr. St. Amant.

DR. LYLE ST. AMANT: Mr. Chairman and Members of the Commission, we have four items today dealing with renewal of permits now existing in the Mississippi River.

The first one is a request for renewal of permit by Atlas Construction Company in Plaquemines Parish at Station 1941 AHP. This permit has been in effect and has caused no problems. We would recommend it be renewed for another year at the appropriate royalty of five cents.

MR. DUPUY: So move.

MR. LUTTRELL: Second.

THE CHAIRMAN: Moved by Mr. Dupuy and seconded by Mr. Luttrell. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

So ordered.



(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Department of Wildlife and
Fisheries does hereby grant permission
to ATLAS CONSTRUCTION COMPANY, INC., to
renew their permit to remove fill mater-
ial from the Mississippi River in the
vicinity of CS 1941+00 to CS 1840+00 in
Plaquemines Parish, Louisiana, for a
period of one year from December 18,
1977 to December 18, 1978, for a
royalty rate of five cents per cubic
yard.

DR. ST. AMANT: The second request is
also a renewal for permit by Atlas Construction
Company at 134.3 Miles AHP in St. John the Baptist
Parish. This permit has been effective for more
than a year and they have operated satisfactorily.
I would recommend that it be renewed for an addi-
tional year at five cents per yard.

MR. DUPUY: I so move.



MR. LUTTRELL: Second.

THE CHAIRMAN: Moved by Mr. Dupuy and seconded by Mr. Luttrell. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Department of Wildlife and Fisheries does hereby grant permission to ATLAS CONSTRUCTION CO., INC., for renewal of their permit to remove fill material from the Mississippi River, left descending bank, between Mile 134.3 AHP and Mile 136.0 AHP, in St. John the Baptist Parish, Louisiana, for a period of one year from December 18, 1977 to December 18, 1978, at a royalty rate of five cents per cubic yard.



DR. ST. AMANT: The third is also a renewal request by Atlas Construction Co., Inc., for fill material permit in the Mississippi River at Mile 148.5 Above the Head of the Passes, left descending bank, near Lutchter. This permit has been in effect for more than a year and we would recommend it be continued at the appropriate royalty of five cents for a one-year period.

MR. LUTTRELL: So move.

MR. GILBERT: Second.

THE CHAIRMAN: Moved by Mr. Luttrell, seconded by Mr. Gilbert. All those in favor?

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Department of Wildlife and Fisheries does hereby grant permission to ATLAS CONSTRUCTION COMPANY to remove



sand, gravel and fill material from the Mississippi River at Mile 148.5, left descending bank, near Lutchter at Paulina, St. James Parish, Louisiana, for a period of one year from December 18, 1977 to December 18, 1978.

DR. ST. AMANT: I have one more. The final one is a renewal of a permit by T. L. James & Company near Boothville. This permit has been in effect for more than a year and has caused us no problems. We would recommend it be reissued for one year at five cents.

MR. LUTTRELL: So move.

MR. DUPUY: Second.

THE CHAIRMAN: Moved by Mr. Luttrell, seconded by Mr. Dupuy. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)



BE IT RESOLVED that the
Louisiana Department of Wildlife and
Fisheries does hereby grant permission
to remove sand, gravel and fill mater-
ial from the Mississippi River, right
descending bank, near Boothville,
Louisiana, for use in the construction
of the Fort Jackson-to-Venice Highway,
for a period of one year, from December
22, 1977 to December 22, 1978.

THE CHAIRMAN: I believe the next man
up is Mr. Schafer. I would like to set a little
criteria for this meeting this morning, if we don't
mind. I know we have a lot of people here and
there are probably a lot of people that want to be
heard. We are going to hear everybody that wants
to be heard. The only thing I am going to ask you
is, when you get up, I know that you want to speak
and I think that everybody can make their point
and their point can be made within two minutes, so
I am going to ask you to limit it, because if we
don't, we could be here until late this evening.
We do have to go to an opening of a dam project or



some kind of spillway project down in Plaquemines Parish -- a dam project, right! That didn't come out right, did it? Come on up, Harry.

MR. SCHAFER: As you remember, at our last meeting of the Commission, you heard a presentation by a bunch of these oyster people that are here today, and I would like for you to hear from our biologist who is in charge of our oyster research and let him give you a presentation on probably the history of the seed grounds and also what is out there right now.

I would like to stress that the season we are talking about is just the seed grounds. All the people who have leases, the private leases and private bedding grounds, will continue to be open so that there will be a supply of oysters even after this thing is closed. This is just for the seed grounds that we are talking about.

Ron, if you are ready, you can start your presentation.

MR. RON DUGAS: I think probably first of all, to get everything in the proper perspective of what we are talking about, maybe to



elaborate a little bit more on what Mr. Schafer was saying, not so much for the oyster fishermen and the Commission, because they are pretty well aware of what is going on; it is primarily for the general public and the press here. Ever since this meeting last time we have been barraged with an enormous amount of phone calls from concerned citizens who want to get oysters, say, after March or any closing date at all.

What we have in Louisiana in the way of an oyster management plan, we have a public-private fisheries, and what it means in essence, oh, I guess in the 1840's or '50's, the late 1800's and early 1900's, some of the fishermen realized right off that there were certain areas that produced a better tasting oyster and there were other areas that were prolific in oyster set. So, back in that period then they devised a system where there would be certain grounds or areas set aside to be privately leased and there would be other grounds set aside that the state would manage in the way of public seed grounds.

Now everything you heard last week and



probably everything you will hear today will center around the public seed grounds.

Now if I would be allowed just for a moment, Bob, to get away from this microphone and walk over to the map so I can show, especially the public, what we are talking about in the way of seed grounds.

(Mr. Dugas here pointed out on map those areas which are seed grounds and those areas which are privately leased.)

Most of the slides that you see here will be on that section there, so regardless of whatever action we take, there will still be oysters. All that other area is leased and there are oysters from, oh, the Mississippi line all the way over to the Texas line, so I don't want the press to get the erroneous idea that when we say we are closing the oyster season we are completely shutting down the oyster industry.

O. K., if I could have the lights please.

(Slides here shown with accompanying remarks, as follow.)



These are the statutes that in essence pertain to what we have been discussing for the last two weeks. Our Section 433, R. S. 56, Sec. 433, which was an act passed in the 1973 legislature, gives this Commission -- if you will allow me to read through: "The Commission at one of its regular meetings in the exercise of its duties to improve, enlarge and protect the State-owned natural reefs of the State, and after affording industry, Commission personnel and interested parties an opportunity to be heard, shall have the option between the dates of January 1 and May 20 of each year for the purpose of harvesting oysters of closing any portions or all the natural oyster reefs of this State and/or of the setting of harvesting limits on any portion of the natural oyster reefs."

That is what brought all this about.

Second, and I think probably the most important one here, and you are probably going to hear this theme all the way through, is 456, and it deals with the rules and regulations concerning taking of seed oysters, in the underlined portion



there, and I would like to read for you again:

"... to the public under rules," in other words, allow the fishermen and the public to fish "under rules and regulations concerning the time, quantity and method of taking which the Commission may prescribe as necessary and adequate to the proper maintenance and preservation of the area as a perpetual source of seed for the oyster industry."

So, in essence, we are dictated by this section here to provide seed oysters.

O. K., let's go back to the 200,000 acres I was pointing out east of the Mississippi River. Annually in July of each year there is one crazy biologist that goes out there and tries to determine how many oysters are out there. Let's see what happened. In July of '74, just in the 200,000 acres you saw east of the River, we predicted there were 2.8 million barrels of oysters available. If you will recall, that was the period just after the floods. In July of '75, again after everybody had fished through the season, we came back again in July '75 and predicted 1.1 million barrels of oysters out there. Then again in July of '76 we



came back and we said there were only 665,000 barrels of oysters out there. We have done the same thing this year and we say, well, now there are only 541,388 barrels of oysters out there.

I don't care if it is oyster fisheries or any type of operation at all, if you take out more than, say, the environmental conditions put in each year, then you are in trouble to a certain extent.

What would be an ideal amount? Somewhere around a million barrels to keep everybody happy and they could run the season forever and ever.

O. K., that is what was available in July. O. K., how does it look in the way of harvesting? Let's look at September and October, just the two months, for '75, '75, '76 and '77. Don't worry about the sack seed category, or maybe you should. Those seed grounds are open for seed oyster production, as I pointed out in 456, but in addition, anybody who is properly licensed and abides by the rules in regards to side harvests can harvest commercially off these grounds and we



allow them to, and the sack portion you see there is that gravy that was taken off, in essence.

You can see the totals harvested or the totals just for the two months sort of compare to what we predicted. In other words, there has been kind of a reduction all the way to the present '77, 1977.

All right, any time you look at seed oyster production, what you look for is what is setting in the way of what is going to be there for next year, because when you are looking at seed oyster production, you are concerned mainly about an oyster about two inches big, odd as that may seem. What has set there? O. K., you are going to see a number of lines, in particular this one right up here (indicating) was the one we experienced in '71, a real good set in May. Apparently in 1972 we got a real good set in August and the same thing happened on consecutive years, but the orange line is the set we have received this year. You can see it all the way across.

Now I am going to walk back and I think I am going to show you something why, because everybody pointed out last week it was salt water



and I will show you.

If anybody asked anybody as to what would be the ideal conditions for oysters or for oysters on the seed ground in the way of salinity, one would draw possibly to ten parts per thousand line on the inside to 15 per thousand in the middle and to 20 parts per thousand on the outside edge. It is the red dotted line, the 10 on the side, the 15 just about in the middle and the 20 parts per thousand on the outside edge. That would be in essence an ideal situation if you were producing seed oysters on the seed grounds.

What have been the conditions this year, May, June, July, when this setting was occurring? The 15 was way inside here, it was inside the 10. The 20 was inside the 15. In essence what you are doing is you are setting on the inside, further in, and that is the salinity thing that you all were referring to last week. It is a problem and that is what has been causing that shift on the seed grounds.

If you will look at the thing, the only time we really got a set was about in September, a



real good set. Not excellent but a fairly good set. If you will recall what happened in August, we got a hell of a lot of rain and it shoved everything back until the salinities in essence were almost at that time just about right for the setting on the outside grounds.

Quickly, this is what has been happening on these grounds. The outside is where they were fishing in 1950, the next line is where they were fishing in 1960, the inside line is where they were fishing in 1970, so you can see you are progressively moving in.

In regards to numbers, when you make a prediction, what you do is you just simply put a square yard in the bottom and count all the oysters there. This is simply to bring out the number of oysters per square yard, how it has changed. This is the one that we got in '75, the numbers that we used to predict the estimate in '75. The one-to-three, that little number there, that is, in other words, the size group, one inch to three inches. The next one is the three-inch oysters. In other words, everything remains the same except the number



within that square yard. You can see some rather big numbers, 34.5, 26 to the square yard, 8, 9, 22, 18, 20. These are the numbers that were out there this year, 2, 2.5, 0, 1.5, 0.5, so you can see that in essence we are hurting for oysters. I know you all know that.

When we say the area is productive, what you are looking at, on those 200,000 acres, you are looking at the grounds sort of segregating themselves. The upper end produced seed. In other words, it is the four grids at the top, the Black Bay area, produces about 75 percent of the total barrel production, and the lower end, the California end, the California-American Bay area, produces about 60 percent of the sack production. This was in I would say 1974-75. The same thing happened in '75-'76. You can see the barrel production was at the upper end, sack production was at the lower end.

Now I am going to move this thing back up a little bit, just to give you an idea of how valuable these grounds are. In addition, you have to understand that these are oyster seed grounds



and all these estimates are estimates, but when you move it back up to the top, you will see that we produce about 620,000 sacks off these, so anybody who wanted to, we have certainly provided a lot of gravy all these years in the way of sack production off these grounds when the gravy was available.

Now, what is available to the Commission in the way of what to do? Leave it all open until May 20; shorten the season, close on February 1, March 1, April 1, May 1. Why the first? It is just an easy number to remember. You can close all or a portion, just close certain sections. You can remove the size limits on certain sections or impose no limit at all.

I guess what everyone is here to hear about is what is this Division, the Seafood Division or some of the people in there, going to recommend. We feel that possibly the season should be closed as soon as possible, at January 1. If not at that time, we should impose the three-inch law, a strict three-inch law. Why? To answer some of the questions the last meeting we had,



first of all, we showed you that there was a legislative dictate that this Commission in essence has to provide seed oysters. I also showed you that we were consecutively, year after year, producing less and less seed. It was also pointed out that the the spat catch in essence was off. At the present time no one is seeding, everyone is sacking, so the grounds presently are not being used for what they were legislatively designed to be used for.

What we are saying is, as long as there is gravy, it is available, but at the present time we are sort of running out of the gravy. In fact, we don't even have the meat and potatoes. So, the only thing you are doing here is strengthening it for next year, in essence keeping what is there for next year. I don't want anybody to get the impression if there is a closure at all, whether it is March 1, May 20 or January 1, that there will be a bonanza out there next year, because in all probability there won't. We are just conserving what is there to fulfill the legislative obligations that we have for next year.



Before we go on, I just want everybody to understand what the three-inch law is and then I will get off and everybody can have their say here. If there is a three-inch law imposed, I want everybody to understand it so that there are no problems at all. Anything that measures less than three inches from hinge to mouth and all dead shell shall be immediately replaced and scattered broadcast upon the natural reefs from which taken.

O. K., go down a little further and it says any excess of over five percent of dead shells and oysters under the size prescribed herein in any cargo lot shall be considered a violation.

Then you go down to the last paragraph and it says no oysters under one inch in length from hinge to mouth shall be counted. So what you are counting is anything above one-inch, about the size of a nickel, under three inches, and you are only allowed five percent. Say you have 15 dozen in one sack, that is 180 oysters, only 10 oysters in that whole sack can -- 10 oysters or shell, because you go back up and it says "or dead shell," -- 10 oysters or dead shell can be in there illegally before the lot is confiscated.



Mr. Wille.

THE CHAIRMAN: Thank you, Ron. We appreciate that. All right, ladies and gentlemen, I am sure that there are some folks that want to be heard pro and con on this. Ron, what kind of recommendation did we end up with on this thing?

MR. SCHAFER: Mr. Chairman, the recommendation was as soon after January 1 as possible. Because of the Public Information Act, that date would be January 20.

THE CHAIRMAN: All right, fine. I see Mr. Chalin Perez is here today. I am sorry I didn't recognize you out there before. Mr. Perez, do you want to be heard?

MR. CHALIN PEREZ: Yes.

THE CHAIRMAN: All right, why don't you take the mike, and be sure and state your name and where you are from, please.

MR. PEREZ: My name is Chalin Perez. I am President of the Plaquemines Parish Commission Council.

I would like at the outset to advise the Commission and again to reinvite you folks to



come to the dedication of the Bayou Lamoque structure. For the information of the Chair, that structure was constructed as a joint venture between the State of Louisiana and the Parish of Plaquemines in order to try to increase the natural oyster catch so that we might produce more oysters for the people not only of Plaquemines Parish but of the State.

The Parish of Plaquemines contributed about one-third of the original cost of the construction of this addition to the structure. In addition to that, the Parish of Plaquemines at its own cost, 100 percent its own cost, has built what is known as the Bohemia control structure, so that we, the Parish government and the people of Plaquemines Parish, are vitally concerned with this overall question of the propagation of oysters and also with respect to how they should be properly managed.

One of the old arguments you always get into is the question of the fellow who wants to take the oysters directly off the oyster reef and go to market with them as opposed to the man who



has oyster beds. What you are hearing today, the argument that you will be hearing here today, is again to a large extent that division of interest between those who want to continue to work the oyster beds natural reef longer as opposed to those who want to go back to their bedded grounds, their leased grounds, and operate off the leased grounds and see to it that the season is closed during that period of time so that they don't lose their opportunity to get that part that is still out there. Now that is basically I think what you have facing you today.

As I say, we have lived these problems over the years. You fellows who are members of the Commission come and go but we in Plaquemines Parish government have been there for many, many years, and we know the background of these problems. That is why the Commission Council adopted two resolutions, one of which you have been furnished a copy of recently, dated December 7, and another one prior to that on November 16, which in essence says that although historically you generally close your season in April and even

as late as early May, that this year because of the shortage of oysters, that we thought a good compromise position would be to close the season on March 1.

Dr. St. Amant for instance has said many, many times, if all of the oyster spat were to catch that is secreted by the oysters, that soon you wouldn't have any water, that you would have nothing but mountains of oysters. The thing that controls your supply of oysters, as was touched upon in the first presentation but not gone into deeply enough, is the correct amount of fresh water to be mixed with the salt water to get your right salinity.

That is why we in the Parish of Plaquemines have pushed so hard to try to get these fresh water control structures in. In our judgment, the leaving of the natural reefs open until March 1 is going to do no grave harm to the natural reefs and on the other hand will allow those fishermen who have historically relied upon fishing in January and February the opportunity to be able to earn a livelihood during that time. We are talking



about people, we are talking about livelihoods, and we are talking about the fact that here are people who have for many, many years depended upon January and February and even March to earn a living and here they are going to be shut out.

Now we just don't believe that the conditions warrant it. Of course, if you look at the figures of '74 and '75, when we had the two record rivers, naturally we had tremendous additional supplies of oysters, and there is no question that the oyster population is way down now. We just don't believe that the fishing for that extra couple of months is going to do that much damage and I don't believe that anybody with the Wildlife can say that, either. We do know that the population is down.

One of the problems you run into so many times is that if you leave those oysters out there and you get the right conditions and the snails come in and the other things that kill these oysters, you are going to lose them to nature, so why not let the oyster fishermen have a chance to get them. There is no way that you can put the oyster on the



endangered species list. You are always going to have enough oysters left in order to be able to produce the spat that if the right conditions are there, such as the production of more fresh water, then you are going to have your oyster population.

We recommend very strongly, the Plaquemines Parish Commission Council, the most directly affected group of people, and the oyster fishermen almost unanimously in Plaquemines Parish got together and met with us and have suggested a March first closing date, which we strongly recommend that date to you, and I would like to submit the resolutions of the Plaquemines Parish Commission Council.

THE CHAIRMAN: Chalin, we appreciate that.

(Applause)

MR. PEREZ: Thank you.

THE CHAIRMAN: I would like to recognize Representative Frank Patti who is here. Frank, would you like to say a word or two?

REPRESENTATIVE FRANK PATTI: Yes, very briefly. Members of the Commission and Mr. Chairman and friends, I don't know that I want to be



repetitious as to what Chalin just said. Certainly I agree with everything he said and in support of the Plaquemines Oyster Association, the Louisiana Oyster Dealers and Growers Association, I would like to recommend that we go on record as recommending March 1.

Because of the Administrative Procedures Act which says that you couldn't close before January 20, really what we are talking about is the short month of February and possibly a week or so in January, and I think it would be really a compromise. Let me just say, as a member of the Natural Resources Committee in the House -- I have served with Burt Angelle when he was Chairman of the Committee, and Sonny Gilbert on various other committees -- many, many times in the legislature, as you well know, and you members of the Commission know this, we are faced with very difficult decisions, and one of the things that I have found over the years is that when we deliberate these bills and these pieces of legislation, we always try to keep in mind how it is going to affect the people that this bill is being geared up for. So,



if we would keep this in mind today and just meet these people halfway, not going to May and not certainly go back to cutting it off at January 1, but just go to March 1. Since the Administrative Procedures Act says we couldn't do it before January 20, just really four or five weeks that we are talking about, and it will really help these people who have made out their budgets for the entire year. If we dovetail this season, we are going to really put the crimp into these people and I can just tell you now as we approach the Christmas season and they can look forward to a short season, knowing that they are going to financially be crippled, I think that I would hate to be in your shoes today, knowing that you have to make this decision.

Burt, you and I have discussed this thing many times, and you, Mr. Chairman of the Commission, and I know you are going to act very wisely before you decide on this decision today and hopefully it will be March 1.

Now, finally I believe that the reason we have a shortage of seed oysters today is

certainly what Chalin said. We had two bumper crops when we had fresh water, because of that, but mainly the problem that we have is twofold. Number one, we need to better manage the season we have. Secondly, and most important, we need to provide and make plans to have more fresh water diversion systems to pump that fresh water over the levee to take care of not only our oyster beds but other wildlife areas and the fur animal industry also.

This is what we are going to do this afternoon and I tell you this. It was a piece of legislation that I co-authored and got started several years ago with certainly Chalin's and Luke's help. But it has come to pass today and you guys know the problems we have had, Burt, with this thing, and it has cost several dollars more than we had originally anticipated. But it is well worth it. It has been several years ago that we passed this bill and we ought to begin to think now, you oyster people and the Commission, about providing more fresh water systems on either side of the River to help do a better job of

giving us more seeds and the necessary tools to have a better oyster crop.

The problem we are faced with today is really a short-term deal, and I beg you not to stymie these people for a few weeks. Let's go along with March 1 and I think it will really make us all happy and satisfied and the end result will be that we will all join you in doing a better job in the future.

Thank you very much.

(Applause)

THE CHAIRMAN: Thank you, Frank. We appreciate that. I see somebody else in the audience, Luke Petrovich. Come on up here. We may as well hear from all these folks in Plaquemines Parish because I have to go down there every once in a while and I want to be able to get back out.

MR. LUKE PETROVICH: I think Chalin has already invited all of you to come down this afternoon. Since it is the dedication of a water control structure affecting oysters, guess what we are going to serve for a midday lunch. Plaquemines Parish raw oysters, Plaquemines Parish fried



oysters, Plaquemines Parish oyster soup, Plaquemines Parish stewed oysters, so you are all welcome.

Of course, I am a member of the Council and the comments that were made by Mr. Perez have been studied by me and endorsed and certainly supported.

I do want to make one comment about this. I come out of the oyster heritage of Plaquemines Parish; my father was an oyster fisherman and he was also a gill net fisherman, so we have got the problem of being put out of business in two areas, in gill nets and in oysters. But these people here, many of them in the audience, are realistic about the work of this Commission and the Wildlife and Fisheries and they could have said, no, we urge you to keep the season open until mid-April, but they want to work with you and in the spirit of compromise they felt that the March 1 suggestion was best suited for them. That was, I would say, a unanimous decision on the part of the oyster fishermen of Plaquemines Parish at a meeting we held with them at the courthouse.

You gentlemen with the Wildlife and



Fisheries know to get a unanimous decision from the fishermen is a unique thing. We urge your help. Thank you.

THE CHAIRMAN: Thank you very much, Luke. I appreciate all the remarks from the people in Plaquemines Parish because that is kind of my second home away from home down there. I like to fish down there and do a little hunting, too, and it is a fine, fine place to be.

Anybody else that would like to be heard just raise your hand and we will recognize you. Come ahead, sir. State your name and where you are from, please.

MR. JIMMY FUNDERBURK: My name is Jimmy Funderburk. I am an attorney in Senator Claude Duval's office in Houma. I am here representing the Louisiana Dealers and Growers Oyster Association as well as the Lafourche Oyster Association, and we find ourselves diametrically opposed to Mr. Perez and his group from Plaquemines concerning the issue of the closure date.

I would like to commend your biologist for a very excellent and educational report that



he just rendered. We are very much in favor of his conclusions and we are very much in support of his conclusions which, as I understood it, he recommends a closing as soon after January 1 as is possible. If it were not for the law, I presume he would recommend the closure January 1. As it is, we can't close until January 20 at the earliest.

I might point out that these gentlemen were here at your November meeting and without the benefit of the biologist's report but from their own experience and expertise and knowledge that they have gathered over a lifetime, they felt that the closing, for essentially the same reasons that your biologist reported to you this morning, should have been January 1. If there could have been a full hearing with the report then, then the closure could have been as early as January 1.

We do not accept the compromise as offered, which is March 1, or as the gentleman last up here said, mid-April. We don't feel that that is a true and valid compromise at all and would be detrimental to all of the Louisiana oyster fishermen, not just a group from Lafourche or

Terrebonne or anywhere else, but to all fishermen and ultimately to the consumer.

Your job is to regulate among other things the supply and the management of seed oysters, and as I appreciate your biologist's report, the seed oysters have been declining and are continuing to decline in the area east of the Mississippi that we are talking about this morning, and that if you allow the harvest to continue in that area, you are going to continue to deplete it and you are going to simply cause a more severe problem next year, for next year's oyster fishermen. I realize that if the season is closed a little earlier than some anticipated this year, there could be some financial strain on some people, but there is going to be a much greater strain next year on everybody if the seed oysters continue to be harvested into March or April of this year.

We respectfully recommend and would ask that the Commission honor and accept its own biologist's report which is to close the grounds in controversy January 20. Alternatively, the only other compromise we would accept is the enforcement



of the three-inch rule which he recommended, that if you don't close as early as possible, namely January 20, then at least the catch in this area be limited to the three-inch oyster.

Thank you, gentlemen.

THE CHAIRMAN: Does anyone else, please, wish to be recognized? Is there anybody here representing the Dealers Association other than the attorney here?

MR. WILLIAM KASS: Stands as the last meeting.

THE CHAIRMAN: O. K. Well, we heard just about everybody's remarks at the last meeting.

Fine, sir. Come up and state your name and where you are from, please.

MR. LUKE TERACICH: I am Luke Teracich from Empire, Louisiana.

First of all, you all cannot close the season before January 20, right? O. K., going to March 1 would be about 38 days. Figuring in that time you will have maybe ten no'westers, let's say, so that is probably ten or 12 days more you will not be able to work. So you are not talking



about that great many days of fishing that will be allowed.

Also, on those reports I have seen -- I got here a little late and I am not a professional speaker and I am nervous, but I feel this should be said -- the only way you produce more oysters is to have fresh water, and that is being constructed and some of it is completed now.

My God, I ain't shook that much since high school and my first speech!

(Laughter)

But that is what has been said here today and the only way you are going to have more oysters is fresh water, so really we are not talking about a great deal of time, probably 20 days of fishing that you will have between now and March 1, so I really suggest that it be March 1.

Thank you.

(Applause)

THE CHAIRMAN: Thank you very much.

Does anyone else wish to be heard?

(No response)

O. K., fine. Gentlemen, we are open for



a motion.

MR. GILBERT: Mr. Chairman, we heard the discussion from the many people that were here at our last meeting in November, and if I remember correctly, in November there were suggestions and recommendations that the season be closed all the way from January 1 through May 1. Some suggested January 1, the 15th, the 20th, February, March, and even as far along as May 1.

So, in order to accommodate as many of the oyster fishermen and still do the job that we are charged with, which is to conserve our natural resources, there are several events that are coming up in New Orleans that I think all of you are a bit familiar with, much more so than I am -- the Super Bowl is the 15th of January, then Mardi Gras comes up on the 7th of February. All of those, of course, bring many, many visitors into New Orleans and most of them, when they come to New Orleans, want to try our Louisiana oysters.

So, I would recommend to the Commission that we strike a date that I feel all of the fishermen can live with. As I said in the beginning,



it was recommended to us that we go from January 1 to May 1, so I am going to suggest and so move that we accept the closing date of February 12. I will put that in the form of a motion, Mr. Chairman, February 12 closing.

THE CHAIRMAN: Is there any discussion on this motion?

MR. DUPUY: Mr. Chairman, it appears to me that since we cannot close any earlier than January 20, we are already three weeks later than the recommendations of the biologists. No one has recommended so far anything later than March 1 or the end of February, so we are really talking about a period of time of ten days in January and the period of February.

It would seem to me that mid-February is about three weeks later than we could possibly close, the earliest date we could close, and it would still be a couple of weeks earlier than the latest date that has been recommended, so with that view in mind, Mardi Gras being on Tuesday, February 7, I would suggest that the weekend following Mardi Gras would be a reasonable period of time and I



would second the motion, with regard to the 12th of February.

THE CHAIRMAN: I have a move and a second. Shall we have a vote? All in favor? Is there any further discussion on the motion?

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So be it. The motion is passed.

MR. SCHAFER: Mr. Chairman, on another motion, I would like to see the three-inch law go into effect January 1 until it closes.

THE CHAIRMAN: O. K. Do I have a motion?

MR. SCHAFER: It could be a part of that motion, if you would like to amend it.

MR. GILBERT: I would like to amend it.

THE CHAIRMAN: Mr. Gilbert will amend his motion to read that the three-inch law will go into effect the first of January, and Mr. Dupuy has already seconded. All in favor?

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)



THE CHAIRMAN: O. K., being a unanimous decision, at this time we will close the oyster season officially on February 12 and the three-inch law will go into effect the first of January.

I think that this certainly would be a compromise with our biologists and at the same time a definite advantage to the oyster fishermen to pass it this way.

MR. SCHAFER: Mr. Chairman, Mr. Perez would like to know whether it went through the 12th or it closed --

THE CHAIRMAN: Including the 12th. Absolutely, Chalin. You are going to get that other day, Chalin.

(The full text of the resolution is here made a part of the record.)

WHEREAS, Title 56-433 directs the Commission to hold a public hearing for the closure of the oyster season, and

WHEREAS, this public hearing was held with the oyster industry at the New Orleans office on November 15, 1977, and

WHEREAS, the marine biologists, after surveying the oyster seeding grounds, reported there are few oysters in the area and those remaining should be protected,

NOW THEREFORE BE IT RESOLVED that the oyster season on the state seed grounds will be closed one half an hour after sundown on Sunday, February 12, 1978, and

BE IT FURTHER RESOLVED that after January 1, 1978, all oysters harvested from the state seed grounds shall be three inches or larger.

THE CHAIRMAN: Harry, do you have anything else?

MR. SCHAFFER: Mr. Chairman, it is not on the agenda but since we have all the oyster people here, on our agenda for January there will appear a discussion about an increase in rent on the bedding grounds, the private bedding grounds, and also the possibility of an increase on the application fee.



As you know, in working out this budget that we are trying to get together now, we just don't have enough money to do the job that we are supposed to be doing, and I think one of the ways that we are going to have to get money is raise some fees, and this seems to be a start. It will be on the agenda for our January meeting.

THE CHAIRMAN: Fine, Harry. I think that it should be noted that the present lease price that is in effect on all our oyster leases has been in effect since 1901 without any increases. Of course, if we are going to build control structures such as we have in Plaquemines Parish, which is going to be good for the oyster fishermen, then I think that we definitely need to increase our fees, so I think that it should be taken under consideration.

MR. SCHAFER: As you said, the fees have not increased since we started leasing. It has been a dollar per acre per year since that time. Our application fee has not increased since 1961, so I think we are due some kind of increase.

THE CHAIRMAN: Thank you, Harry.



SECRETARY ANGELLE: Harry, while you have the floor, would you just give us a little bit more information on the cost per acre of operation presently.

THE CHAIRMAN: Right, on the survey and stuff.

MR. SCHAFER: In order to survey a lease it costs us \$4 for every dollar that we collect from the oyster fishermen. The present rate that we charge for an application fee, which includes the survey, costs us \$4. It would cost \$5 per acre to go out there and survey those things, so what we are asking for is to try and close that gap, at least to get it to a break-even point, if not to make a little operating money.

THE CHAIRMAN: Fine, Harry.

MR. SCHAFER: Thank you, Mr. Chairman.

MR. DUPUY: Harry, one second further, please. Because of increased costs in the operation of this department and in everything that everyone goes into nowadays, the increased money that you are suggesting that we charge would be mostly for operations of the department, paying of



expenses. Are you suggesting or will you suggest the possibility of some of the monies being dedicated for the use of construction of fresh water structures?

MR. SCHAFER: I would certainly like to see that done but I don't think under the Constitution you can dedicate any of these funds. It has to go into the Conservation Fund and then be budgeted for this type of thing, but if we have money available, this is certainly an important thing. As you have heard everybody here, I think we have gotten over the word that you do need some fresh water out in those marshes, not only for oysters but for a lot of the other fish out there as well as the fur animals. As soon as we get some money that we can do some of this stuff, we will certainly put that in our budget.

MR. DUPUY: Thank you.

THE CHAIRMAN: Is there any other business before the Commission this morning? O. K.

MR. RALPH PAUCINA: I am going to ask you to correct the resolution you made on the closure. It is the closure of the oyster seed grounds, not



the closure of the season, please.

THE CHAIRMAN: 10-4. O. K. Thank you.

Go ahead, Chalin.

MR. CHALIN PEREZ: Before you close, I just want to reemphasize the fact that this is going to be rather an historic day for the oyster fishermen and the people of the State because of the fact that today we will open up this large new salinity control structure which will bring waters from the Mississippi River back into the natural growth areas, and I wanted to be sure to invite all of you here today if you can make it. I know it is going to be a short fuse, but three o'clock this afternoon at Bayou Lamoque we are going to open it wide open and everything is going to go, and particularly the news media people, if you can come, we would be happy to have you.

Thank you very much.

THE CHAIRMAN: Thank you, Chalin. We appreciate it.

Any other business before the Commission?
Go ahead.

MR. W. A. KASS, IV: I am President of

the Louisiana Oyster Dealers and Growers.

Gentlemen, there are some problems fishermen are having in this Hackberry-Bay duChene area. We understand there is some construction work going to be done, a pipeline dredging, and all I would like to do is ask the Commission to direct a biologist to get out there and check this thing before this letter of no objection is issued. It is a vital seed ground area. You heard how much we need the seed grounds, so it is something very important and before this thing happens and then we have to come here and ask to have a letter withdrawn, which is pretty hard, we would like to have a biologist check it out and then if a letter of no objection is appropriate it be issued. If not, have a letter of objection, please.

THE CHAIRMAN: Fine, appreciate that. Harry, will you have that done, please.

MR. SCHAFFER: Will do.

THE CHAIRMAN: Fine. Anybody else wish to be heard? Go ahead, Captain.

MR. PETER VUJNOVICH: I have been an oyster farmer for the past 40 years. I know that



the Department needs money and that there is talk of raising the acreage fees. That is good and fine but, as I am here, gentlemen, we have a \$50 license to fish oysters which is known as the seed ground and now it is known as the sack ground, and you can go out there and fish up to 100 sacks of oysters, at a price of \$7 to \$8 a sack. That's a heck of a return on your investment when you can do that.

So, I would like to recommend to this Department that instead of going overboard and raising the acreage up, which I was always in favor of doing, why don't we put like a \$500 license on each boat who will fish commercially, market oysters in the seed ground area, and the people who have leases, the people who are the hard-working and the people who are preserving the Louisiana oyster industry, that is the oyster farmers, be exempt from the \$500 license and they be allowed to fish seed oysters free of charge like it was done many years ago.

Thank you.

THE CHAIRMAN: Thank you, Pete. That



will be taken under consideration. We are going to take all the input we can from all the people that are involved in the oyster industry and weigh it. Just before we get started on this, this is going to be brought up in the January meeting and we want all the input we can get at that January meeting, but I don't want to get into a large argument today about the cost of the leasing. If you have anything to say about it, we would like to hear about it. I think, Pete, you kind of opened up Pandora's box there when you started discussing it. We will welcome all the input that we can get.

Now if there is anybody else who would like to discuss the oyster regulations as we just set them for the seed grounds, we would welcome hearing you. We would like to have all the input we can get but I would like to have it between now and January and not at this meeting.

Is there anybody else that wishes to be heard?

We need to set a date for the January meeting.



MS. PENDLEY: January 26 and 27, Thursday and Friday.

THE CHAIRMAN: O. K., 26th and 27th, Thursday and Friday.

MR. DUPUY: I so move.

MR. LUTTRELL: Second.

THE CHAIRMAN: Moved by Mr. Dupuy and seconded by Mr. Luttrell. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any nays?

(No response)

If not, I move that we shut down the meeting here. Is there anybody else that has not been heard that wishes to be heard?

(No response)

O. K., fine. We will adjourn.

. . . Whereupon, at 11:00 o'clock a.m., Tuesday, December 13, 1977, the meeting was adjourned. . . .

Kathryn G. Chamberlin,
Reporter.



C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing (52 pages of typewritten matter) is a true and correct transcription of the tape recording and of the stenographic notes of the proceedings herein, transcribed by me, at the time and place hereinbefore noted.

New Orleans, Louisiana, this day of

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Kathryn G. Chamberlin